

State of New York
Supreme Court, Appellate Division
Third Judicial Department
518-471-4777

SESSION CALENDAR FOR THURSDAY, FEBRUARY 23, 2023

1:00 P.M. SESSION

LY A PR F MS

BENCH POSITION: FISHER, J., AARONS, J., LYNCH, J.P., PRITZKER, J., MCSHAN, J.

Please notify the Clerk's Office at least 24 Hours PRIOR to argument of any changes to this calendar, including submissions and attorney changes.

When a cause is argued or submitted to the court with four justices present, it shall, whenever necessary, be deemed submitted also to any other duly qualified justice of the court, unless objection is noted at the time of argument or submission (Practice Rules of the Appellate Division, Rule 1250.1 [b]).

Calendar No.	Case No.	Title	Time Allocated
(1)	111298	PEOPLE v JOHN G. COLER <i>Appellant</i> - Kelly L. Egan, Esq. <i>Respondent</i> - John B. Latella III, Esq. Saratoga County District Attorney's Office (People of the State of New York)	SUB 5
(2)	109834 112642	PEOPLE v DWIGHT BURTON <i>Appellant</i> - Kathy E. Manley, Esq. [Assigned] (Dwight Burton) <i>Respondent</i> - Benjamin E. Holwitt, Esq. Broome County District Attorney's Office (The People of the State of New York)	10 10
(3)	109696	PEOPLE v JAMES A. THOMAS <i>Appellant</i> - John A. Cirando, Esq. [Assigned] (James A. Thomas) <i>Respondent</i> - Palmer J. Palella, Esq.	10 SUB
(4)	534804	WILMINGTON SAVINGS FUND SOCIETY v LAFRATE <i>Appellant</i> - Sandra S. Poland Demars, Esq. (Guardian Preservation LLC) <i>Respondent</i> - Owen M. Robinson, Esq. Margoian & Weinreb Law Group (Wilmington Savings Fund Society FSB)	10 10
►(5)	534524	OHL v SMITH <i>Appellant</i> - Daniel K. Cartwright, Esq. Kenny Shelton Liptak Nowak, LLP (Randolph L. Smith) <i>Respondent</i> - Dylan G. Rupp, Esq. Sobo & Sobo, LLP (Nicholas Ohl)	10 10

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Calendar No.	Case No.	Title	Time Allocated
(6)	534821	MATTER OF BODENMILLER v DINAPOLI <i>Appellant</i> - Wayne J. Schaefer, Esq. Schaefer Law Group, P.C. (Robert Bodenmiller)	10
		<i>Respondent</i> - Frederick A. Brodie, Esq. Office of the New York State Attorney General (Thomas P. DiNapoli)	10
(7)	535973	WAITE v COUNTY OF CLINTON <i>Appellant</i> - Peter P. Balouskas, Esq. Harding & Mazzotti, LLP (Cody C. Waite)	10
		<i>Respondent</i> - Matthew J. Kelly, Esq. Roemer Wallens Gold & Mineaux (County of Clinton, et al.)	10
(8)	532781	CARROLL v RONDOUT YACHT BASIN, INC. <i>Appellant</i> - Robert Bruce Carroll, Pro Se	10
		<i>Respondent</i> - Scott W. Bush, Esq. Corrigan, McCoy & Bush, PLLC (Rondout Yacht Basin, Inc.)	10
(9)		REMOVED	
(10)		REMOVED	
(11)	112387 109767	PEOPLE v KYLE JAMES	SUB
(12)	111984	PEOPLE v TYQUAN S. HILLIARD <i>Appellant</i> - Alexander W. Bloomstein, Esq. [Assigned] (Tyquan S. Hilliard)	10
		<i>Respondent</i> - Howard Block, Esq.	SUB

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Calendar No.	Case No.	Title	Time Allocated
(13)	112699	PEOPLE v ADRIAN M. ATUTIS	SUB
(14)	534814	MATTER OF NOELIA F.	SUB
(15)	534625	MATTER OF DALY v OFFICE OF MANAGEMENT & BUDGET	SUB

► 534524 - OHL v SMITH
Panel = LY A PR MS